रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड—2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली, शुक्रवार, नवम्बर 15, 1968/कार्तिक 24, 1890
No. 52] NEW DELHI, FRIDAY, NOVEMBER 15, 1968/KARTIK 24, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th November, 1968:—

BILL No. 97 OF 1968

A Bill further to amend the Indian Railways Act, 1890

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows :—

1. This Act may be called the Indian Railways (Amendment) Act, 1968. Short title.

9 of 1890

2. In the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), after section 100, the following sections shall be inserted, namely:— Insertion of new sections 100A and 100B.

"100A. If a railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, rail-car or any other rolling-stock from one station or place to another station or place, and he abandons his duty before reach- Abandoning train, etc., without authority.

ing such station or place, without authority or without properly handing over such train, rail-car or rolling-stock to another authorised railway servant, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Obstructing running of train, etc

100B. If a railway servant, when on duty or otherwise, or any other person obstructs or causes to be obstructed or attempts to obstruct any train, rail-car or other rolling-stock upon a railway, by squatting, picketing, keeping without authority any rolling-stock on the railway or tampering with signal gear or otherwise, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.".

Amendment of section 131.

3. In section 131 of the principal Act, in sub-section (*1*), for the figures "100, 101", the figures and letters "100, 100A, 100B, 101" shall be substituted.

Amendment of section 148

4. In section 148 of the principal Act, in sub-sections (*1*) and (*2*), for the figures "100, 101", the figures and letters "100, 100A, 100B, 101" shall be substituted.

Repeal and saving

5. (*1*) The Indian Railways (Amendment) Ordinance, 1968, is hereby repealed. 10 of 1968

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 14th day of September, 1968.

STATEMENT OF OBJECTS AND REASONS

Chapter IX of the Indian Railways Act, 1890, contains provisions for penalties for certain offences such as maliciously wrecking or attempting to wreck a train, maliciously hurting or attempting to hurt persons travelling by railway, endangering safety of persons travelling by railway by wilful act or omission, endangering safety of persons travelling by railway by rash or negligent act or omission, etc. These provisions are however not adequate to deal effectively with obstruction to the running of trains by abandonment thereof by railway servants, or by squatting, picketing or other means either by railway servants or by others. In order to provide penalties for such obstructions also, the Indian Railways (Amendment) Ordinance, 1968, was promulgated by the President on the 14th September, 1968.

2. The Bill seeks to replace the Ordinance by an Act of Parliament.

Dated the 4th November, 1968. PARIMAL GHOSH.

STATEMENT OF OBJECTS AND REASONS

Under section 5(2) of the Delhi High Court Act, 1966, the High Court of Delhi has ordinary original civil jurisdiction in every suit the value of which exceeds Rs. 25,000. It has been found that this limit in civil suits is too low for a metropolitan place like Delhi and leads to accumulation of arrears. In the interest of speedy disposal of work in the High Court, it is proposed to raise the limit specified in section 5(2) from Rs. 25,000 to Rs. 50,000. It is proposed to make similar amendment in section 17(3) of the Act under which the High Court of Delhi has such original jurisdiction in respect of the Union territory of Himachal Pradesh.

2. Opportunity is being taken to include a provision in the Act that the salaries and allowances of the Judges of the High Court of Delhi shall be expenditure charged on the Consclidated Fund of India on the lines of the corresponding provision relating to the Judges of the State High Courts in article 202(3)(d) of the Constitution. Clause (3) of article 112 of the Constitution does not expressly provide for the salaries and allowances of Judges of the High Court for a Union territory being charged on the Consolidated Fund of India and it is therefore necessary to make such a provision under sub-clause (g) of that clause which empowers Parliament to declare any expenditure to be so charged.

3. The Bill is intended to give effect to the above objects.

NEW DELHI; VIDYA CHARAN SHUKLA.

The 17th October, 1968.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 16/29/67-Judl. I/III, dated the 4th November, 1968 from Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Delhi High Court (Amendment) Bill, 1968, recommends the introduction of the Bill in the Lok Sabha under article 117(1) of the Constitution of India.

Amendment of section 5.

3. In sub-section (2) of section 5 of the principal Act, for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted.

Amendment of section 17.

4. In sub-section (3) of section 17 of the principal Act, in clause (b), for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted.

Punjab Act VI of 1918.

Amendment of certain laws.

5. (1) In section 25 of the Punjab Courts Act, 1918, as in force in the Union territory of Delhi, for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted.

(2) In the Himachal Pradesh (Courts) Order, 1948, in paragraph 20, for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted.

Power of Chief Justice to transfer pending suits and proceedings to subordinate courts.

6. The Chief Justice of the High Court of Delhi may transfer any suit or other proceedings which is or are pending in the High Court immediately before the commencement of this Act and in which no witnesses have been examined before such commencement to such subordinate court in the Union territory of Delhi or, as the case may be, Himachal Pradesh as would have jurisdiction to entertain such suit or proceedings had such suit or proceedings been instituted or filed for the first time after such commencement.

BILL No. 95 OF 1968

A Bill to amend the Delhi High Court Act, 1966.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Delhi High Court (Amendment) Act, 1968.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 3A. Salaries and allowances of Judges to be expenditure charged on Consolidated Fund of India.

2. In the Delhi High Court Act, 1966 (hereinafter referred to as the principal Act), after section 3, the following section shall be inserted, namely:— 26 of 1966

"3A. Expenditure in respect of the salaries and allowances of Judges of the High Court of Delhi shall be expenditure charged on the Consolidated Fund of India.".

BILL No. 68 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows :—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1968. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 130.

2. To article 130 of the Constitution, the following proviso shall be added, namely:—

"Provided that a permanent Bench of at least three Judges shall be located in Bangalore.".

STATEMENT OF OBJECTS AND REASONS

Even though under article 130 of the Constitution, the Chief Justice of India is empowered to arrange sittings of the Supreme Court outside Delhi, this power has not so far been exercised. It has, therefore, become necessary to make the provision a mandatory one.

Hence the Bill.

YASHPAL SINGH.

NEW DELHI;
The 17th July, 1968.

FINANCIAL MEMORANDUM

Some expenditure is inevitable for initially assembling judges, officers and staff of the Bench in Bangalore. It is difficult to estimate the exact amount of non-recurring expenditure but it will not exceed Rs. 50,000, including arrangements for an adequate Library. Recurring expenditure for allowances and the rental of the building that will house the Bench, is likely to be of the order of Rs. 20,000 per annum.

BILL NO. 66 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1968. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to the Constitution,—

(*i*) in List II—State List, entry 8 shall be omitted;

(*ii*) in List III—Concurrent List, after entry 19, the following entry shall be inserted, namely:—

"19A. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors."

STATEMENT OF OBJECTS AND REASONS

The policy regarding intoxicating liquors, their production, transport, sale and consumption etc. is different in different States. It has resulted in great many complications and even reversal of the policy of prohibition in many States which had gone dry after Independence. In order to evolve a uniform policy for the country, it is necessary to transfer this item from the State List to Concurrent List in the Seventh Schedule to the Constitution.

Hence the Bill.

NEW DELHI;
The 17th July, 1968.

YASHPAL SINGH.

BILL No. 67 OF 1968

A Bill further to amend the Slum Areas (Improvement and Clearance) Act, 1956.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Slum Areas (Improvement and Clearance) Amendment Act, 1968.

(*2*) It shall come into force on such date as the Central Govment may, by notification in the Official Gazette, appoint.

Substitution of section 20.

2. For section 20 of the Slum Areas (Improvement and Clearance) Act, 1956, the following section shall be substituted, namely:— 96 of 1956.

"20. Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (*1*) of section 6A or granting or refusing to grant the permission referred to in sub-section (*1*) of section 19 may, within such time as, may be prescribed, prefer an appeal to the Administrator and the Administrator may, after hearing the appellant, decide such appeal and his decision shall be final."

STATEMENT OF OBJECTS AND REASONS

The object of enacting the Slum Areas (Improvement and Clearance) Act, 1956 was to provide for the improvement and clearance of slum areas in certain Union territories and for the protection of tenants in such areas from eviction. Section 20 of the aforesaid Act does not specifically provide for a right of appeal to the tenant. This section as it stands provides only a right of appeal to the landlord when permission to evict the tenant is refused under sub-section (*1*) of section 19. The absence of a specific provision for a right of appeal to a tenant is causing great hardship to the tenants in the slum areas and is defeating the very purpose and object for which the parent Act was enacted. This Bill seeks to provide a right of appeal to such tenants also.

NEW DELHI; OM PRAKASH TYAGI.

The 17th July, 1968.

BILL NO. 84 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the **Constitution (Amendment) Act, 1968.** Short title.

2. In the First Schedule to the Constitution, under the heading "I. THE STATES", for the entry "12. Rajasthan", the entry "12. Aravali-Pradesh" shall be substituted. Amendment of the First Schedule.

STATEMENT OF OBJECTS AND REASONS

Under the First Schedule to the Constitution, the name of the Rajasthan State is not befitting as the present day society is aiming at the establishment of socialistic pattern of society. No State of the Indian Union carries the idea of renaissance or relic of old feudalistic order except Rajasthan State. Geography or the language of the area was the main consideration for giving the new names to the States. It is, therefore, need of the time that the name of the Rajasthan State should be changed as "ARAVALI-PRADESH", as Aravali Ranges cover the whole area of the State. The new name will be similar to Himachal Pradesh, Madhya Pradesh, Uttar Pradesh etc.

Hence the Bill.

NEW DELHI; BHOLA NATH MASTER.

The 2nd August, 1968.

BILL NO. 78 OF 1968

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1968. **Short title.**

2. In the proviso to sub-section (*1*) of section 421 of the Code of Criminal Procedure, 1898, the words and figures "presented under section 419" shall be omitted. Amendment of section 421.

5 of 1898.

STATEMENT OF OBJECTS AND REASONS

Under the existing proviso to section 421 (1) of the Code of Criminal Procedure, 1898, no appeal presented under section 419 can be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same. However, no such right is given to the appellant who is in jail and presents his petition of appeal under section 420. There is no reasonable basis for granting the right of addressing the Appellate Court to appellants under section 419 and refusing this right to appellants under section 420. The classification which the proviso to section 421 purports to make has no intelligible relation to the object sought to be achieved and the denial of right of being heard to appellants in jail under section 420 violates article 14 of the Constitution inasmuch as equality before the law has been denied to those who do not possess means to engage a Counsel. The proviso to section 421 of the Code of Criminal Procedure which makes such an invidious distinction between appellants under section 419 and appellants under section 420 reduces justice to a farce and mockery, and is also in conflict with the provisions of sections 418, 340 and 440 of the Code of Criminal Procedure. It is, therefore, proposed to amend the Code of Criminal Procedure so as to confer the right of being heard also on appellants presenting appeals under section 420.

NEW DELHI;
The 5th August, 1968.

ANAND NARAIN MULLA.

BILL No. 80 OF 1968

A Bill to provide for building up an up-to-date and a comprehensive Library for Parliament

WHEREAS it is necessary, for building up an up-to-date and a comprehensive Library for the Parliament of India, to make arrangements to secure copies of every book, publication, periodical, etc., including maps, illustrations, photographs printed, lithographed, or photographed, in any language, in any part of the Union of India;

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Parliament Library Act, 1968.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "author" includes the writer, composer, compiler, annotator, commentator, or editor of a book, paper, periodical, or publication, or a cartoonist, or illustrator, draftsman, painter, and any other person whose work is included in the form of writing, annotation, compilation, editing, drawing, illustration, cartoon, map, or such like material, in a book or published separately;

(*b*) "book" includes any work in writing, paper, periodical, pamphlet, or publication, printed and published or lithographed, whether offered for sale or otherwise; and every part or division of a book, pamphlet, sheet of letterpress, sheet of music map, plan, drawing, illustration, cartoon, graph, chart, or table, separately published, but shall not include any second or subsequent edition of a book, unless such edition contains additions, annotations, or alterations, either in the letterpress or in the maps, prints, or other engravings, belonging thereto, or is an abridgement of that book;

(*c*) "composer" means the composer of a musical work or of musical notation, or dance choreograph;

(*d*) "library" means library attached to the Parliament of India;

(*e*) "printer" means the proprietor or manager of a printing press, where the copies of a book are multiplied, and who is registered as the keeper of such a printing press;

(*f*) "publisher" means any person, firm, or company, carrying on business as publisher of books, and declared in any book to be publisher thereof.

Explanation.—(*a*) If in any case there are more than one person contributing to the making of a book in its several parts of writing, commentary, or illustrations, etc., separately, the term "author" shall mean those composing and providing the actual thought and material contained in that book, whether published or otherwise; while those who have supplied the commentary, illustration, or annotation or editing shall be distinguished from the author, by the addition of an appropriate term giving the proper designation and contribution of each such contributor.

(*b*) Where there is more than one person jointly concerned in writing, or providing the actual thought and material contained in a book, they shall be known as joint authors.

(c) For the purpose of this section the expression "author", "printer", "publisher" and "composer" includes the heirs, assignees or the legal representatives of a deceased author, printer, publisher or composer, respectively.

(d) Where in any case the same person acts as author, printer or publisher, or combines in himself more than one of these capacities, his responsibilities under this Act shall be the same as that of all of them jointly and each severally.

Copies of books to be delivered to Secretary to the House of the People.

3. (1) The publisher etc. of every book printed, lithographed, or photographed, and published in any State in the Union of India, shall, after this Act comes into force, furnish, at his own expense, within one calendar month of the date of such printing, lithographing, photographing or publishing, to the Secretary to the House of the People who shall give, or cause to be given, a written receipt for the same, three copies of each such book or work printed, photographed, lithographed and published in any language, in any part of the Union of India for use in the library.

(2) The copies so delivered under sub-section (1) to the Secretary to the House of the People shall be complete copies of the entire book, including all maps, charts, graphs, tables, notes, illustrations, sketches, drawings, wood-cuts, or photogravures included therein, printed on and stitched or sewn, and bound and got up in the best paper in the same manner as the best copies of the book published:

Provided that in the case of any book of which only a number of copies have been printed on superior paper and sewn or stitched and bound in a better manner and material, whether for presentation or for sale at a price higher than that charged for the ordinary edition, the copies required to be so furnished under this section shall be of the better or superior edition.

Application.

4. Without prejudice to any rights or privileges of the Government of India or the Government of a State, the provisions of this Act shall also be applicable to any work which has been prepared or published by or under the direction or control of any Government department.

Penalty for offences under the Act.

5. If the Publisher fails to comply with the provisions of this Act, he shall be liable on summary conviction to a fine not exceeding rupees one hundred in respect of each book, or each demand by the Secretary to the House of the People, in addition to the price of the copies of the book required to be furnished free of cost under this Act; and the fine shall be paid to the Secretary to the House of the People to be kept in a separate reserve fund to be used for the purposes of this Act.

Appeal against the fine.

6. Any person affected by an order under section 5 may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

Court to try offences under the Act.

7. No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence against this Act.

STATEMENT OF OBJECTS AND REASONS

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliotheque Nationale of France, are built up and kept up-to-date by requiring copies of all books etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some national legislation.

In the United States as well as in Britain the Copyright legislation is utilised to achieve this object.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament should contain all available material for every problem that may engage the attention of Parliament. It should in fact be co-extensive with the problems of the entire public and private life in the country in all its aspects and phases.

NEW DELHI; DIWAN CHAND SHARMA

The 7th August, 1968.

BILL NO. 86 OF 1968

A Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Civil Aviation (Licensing) Act, 1968.

(*2*) It extends to the whole of India including the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions in this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "aerodrome licence" means a licence granted in respect of an aerodrome;

(b) "Air Operator's Certificate" has the meaning assigned by paragraph (a) of sub-section (2) of section 3;

(c) "Air Transport Service" means the carriage of passengers or of mails or other cargo by air for reward;

(d) "the Board" means the Air Transport Licensing Board established in pursuance of sub-section (1) of section 3 of this Act;

(e) "the Central Government" means the Government of India;

(f) "flight" means a journey by air beginning when aircraft takes off and ending when the aircraft next alights thereafter;

(g) "the Minister" means the Minister of Tourism and Civil Aviation;

(h) "operator", in relation to an aircraft, means a person for the time being having the business management of that aircraft, and cognate expressions shall be construed accordingly;

(i) "prescribed" means prescribed by the Central Government by regulations under this Act;

(j) "reward", in relation to any aircraft, includes any form of consideration received or to be received wholly or partly in respect of that flight, irrespective of the person by or to whom the consideration has been or is to be given;

(k) "tariff" in relation to any air transport service means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend.

Establishment of licensing authority and restriction of unlicensed flying.

3. (1) There shall be established in accordance with the provisions of the Schedule an Air Transport Licensing Board (in this Act referred to as the Board).

(2) No aircraft shall be used on any flight for reward or in connection with any trade or business—

(a) unless the operator of the aircraft is the holder of an 'Air Operator's Certificate' being a certificate of his competence to secure that aircraft operated by him on flights are operated safely; or

(b) subject to the provisions of sub-section (3) and otherwise than in accordance with the terms of an 'Air Service Licence' granted to the operator of the aircraft by the Board under section (4) being a licence authorising the holder thereof to operate aircraft on flights:

Provided that the provisions of this sub-section shall not apply to any flight made—

(a) solely for the purpose of carrying passengers on a flight beginning and ending at the same place; and

(b) solely for one or more of the following purposes, that is to say—

(i) the provision of ambulance or rescue facilities by air;

(ii) the carriage of not more than seven persons (including the crew of the aircraft) together with the baggage, if any, in a case where the aircraft is not equipped to carry more than that number of persons;

(iii) the carriage of any one or more of the following, that is to say the operator of the aircraft, any *bona fide* servant of his and any baggage or other property of the operator or any such servant;

(iv) the training or testing of persons in the performance of duties in the aircraft;

(v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft;

(*vi*) the dropping or projecting of material in the interests of agriculture, horticulture, forestry or public health;

(*vii*) the taking of photographs from the air; or

(*c*) solely for the purpose of carrying cargo consigned by one person in the exercise of an exclusive right to use the capacity of the aircraft on that flight not being a person who, except for the purpose of delivering the whole of that cargo to one or more purchasers thereof from the consignor, has contracted with other persons to carry that cargo or to cause it to be carried; or

(*d*) solely for the carriage of passengers with or without their baggage in a case where none of the passengers is carried on such terms as may be prescribed as being carried at a separate fare;

and the Central Government may, by notification in the Official Gazette, exempt from the requirements of clause (*b*) any other particular flight or series of flights.

(*3*) This section shall apply to—

(*a*) any flight in any part of the world by any aircraft registered in India; and

(*b*) any flight beginning or ending in India by any aircraft registered in such other country or territory, if any, as may be prescribed.

Air Service Licences.

4. (*1*) Any application to the Board for the grant of an air service licence shall—

(*a*) contain particulars of any air transport service proposed to be provided under the licence, including the places between which, and (where appropriate) the frequency with which, the service is to be provided;

(*b*) specify the nature of any other purpose for which the applicant desires that aircraft operated by him may be used under the licence for reward or in connection with a trade or business;

and, subject to the provisions of this section and of any relevant regulations under section 7, the Board may, at their discretion, after consultation with such persons, if any, as may be prescribed, either

reject the application or grant the applicant an air service licence for all or any of the following purposes—

(*i*) the provision of any air transport service proposed in the application which may be so specified,

(*ii*) any other purpose so proposed which may be so specified,

subject in either case to such conditions, if any, of the prescribed descriptions as may be so specified.

(2) In exercise of their functions under this section the Board shall consider in particular—

(*a*) whether they are satisfied that having regard in particular to his experience and financial resources and, subject to sub-section (4), to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft operated by him, the applicant is competent and a fit and proper person, to operate aircraft for the purposes of which he seeks an air service licence;

(*b*) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant;

(*c*) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants;

(*d*) the existing or potential need or demand for any air transport service proposed;

(*e*) in the case of any air transport service proposed the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service;

(*f*) the extent to which any transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from any air transport service licence already granted;

(*g*) any capital or other expenditure reasonably incurred or any financial commitment or commercial agreement reason-

ably entered into in connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service licence already granted;

(*h*) any objections or representations made in accordance with any relevant regulations under section 7.

(3) The Central Government and the Board shall, from time to time, consider together the relations with other countries or territories affecting the exercise of the Board's functions; and if in the case of any application for an air service licence the Central Government so direct, in writing, on the grounds that any air transport service proposed in the application would in their opinion involve the negotiations with the Government of some other country or territory of right which it would be inexpedient for the time being to seek the Board shall forthwith reject that application so far as it relates to that service.

(4) For the purpose of clause (*a*) of sub-section (2) the Board shall not consider the matters in respect of which an air operator's certificate is required, that is to say, the competence of the applicant to secure that aircraft operated by him will be operated safely.

(5) Every air service licence authorising air transport service shall include a provision with respect to the tariff to be charged in respect of that service being—

(*a*) in the case of a service between terminal points one of which is in India and the other of which is in India, a provision setting out that tariff;

(*b*) in any other case, either provision setting out that tariff or a provision specifying the manner in which the tariff is to be determined:

Provided that the licences shall be of no effect until the said provision has been confirmed by the Central Government either without modification or with such modifications as it may think fit after consultation with such holders of air service licences and other persons as it may consider appropriate:

Provided further that in such cases or classes of cases as may be prescribed, this sub-section shall have effect subject to such exceptions or modifications as may be prescribed in relation to the case or class of cases in question.

(6) The Central Government may, by notification in the Official Gazette, authorise the grant of an air service licence to any person specified in the order being a person who provided air transport services before the date of coming into force of sub-section (2) of section 3 in respect of any air transport so specified in relation to that service and without prejudice to their powers under section 5 the Board shall grant that licence forthwith without any application being made thereof:

Provided that the Central Government shall not make any order under this sub-section after the expiration of the period of three months beginning with the said date.

(7) Except with the consent of the Central Government the Board shall not grant an air service licence to any person who is not either—

(a) a citizen of India or Nepal or such treaty areas giving equal rights of Indian citizenship; or

(b) a body incorporated in India or Nepal or Sikkim or Bhutan, being a body which in the opinion of the Board substantially controlled by persons each of whom is either a citizen of India or a citizen of the said State or an Indian protected person.

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which it was granted the holder thereof applies to the Board under section 5, unless the application is withdrawn, the first mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application or, if the application is refused or if any new licence granted differs in its terms from the first mentioned licence, until—

(a) the expiration of the period prescribed under section 7 for appealing against the Board's decision;

(b) if an appeal is duly made within that period the determination or abandonment of the appeal; and

(c) in the case of a successful appeal against a rejection of the application, the date of the coming into force of the new licence.

Revocation, suspension and variation of licences.

5. (1) Subject to any relevant regulations under section 7, an application for the revocation, suspension or variation of an air service licence may be made to the Board at any time by any of the persons prescribed in pursuance of clause (b) of sub-section (1) of that section.

(2) If in the case of any person who is the holder of an air service licence the Board are at any time no longer satisfied as mentioned in clause (a) of sub-section (2) of section 4, they shall as may appear to them appropriate in the circumstances, revoke, suspend or vary that licence, whether or not any application or representation has been made to the Board for the purpose.

(3) Without prejudice to the provisions of sub-section (2), if at any time the Board are satisfied, whether or not any application or representation has been made to them for the purpose, that it is right and proper so to do, they may revoke, suspend or vary any air service licence.

(4) Sub-sections (2) to (4) of section 4 shall have effect with the necessary modifications in relation to the Board's function under the sub-sections (2) and (3) as they have effect in relation to their functions under section 4.

(5) If any air service licence is revoked, suspended or varied by the Board otherwise than on the application of the holder of the licence, the revocation, suspension or variation shall not take effect until the expiration of the period prescribed under section 7 for the making of an appeal against the Board's decision nor, if an appeal is duly made during that period, until the determination or abandonment of the appeal.

Additional functions of Board.

6. (1) It shall be the duty of the Board to consider any representation from any person relating to facilities in connection with air transport services by means of aircraft registered in India, or with respect to the traffic or other charges in respect of any such service of facilities:

Provided that the Board shall not be required by this sub-section to consider any representation if in their opinion—

(a) the representation is frivolous or vexatious; or

(b) the matters to which the representation relates have already been sufficiently considered by the Board; or

(c) the matter to which the representation relates are for the time being regulated by an international agreement to which the Indian Government is a party.

(2) When the Board have considered any such representation as aforesaid, they shall report to the Central Government their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient:

Provided that this sub-section shall not apply to any representation made in connection with an application for the grant of an air service licence or for the purpose of the Board's functions under section 5

7. (1) Without prejudice to any other power to make regulations conferred by this Act, the Central Government shall by regulations make provision— Regulations.

(a) for requiring, except in such circumstances, if any, as may be specified in the regulations, publication of notice of the making of any application for the grant of revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application;

(b) as to the persons entitled to be heard by the Board at any meeting to consider the grant, revocation, suspension, or variation of any such licence;

(c) for conferring a right to appeal to the Central Government from any decision of the Board with respect to any air service licence or any application for such a licence upon the holder of or application for the licence and upon such other persons, if any, as may be specified in the regulations and generally as to such appeals including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the parties in respect of costs or expenses incurred in connection therewith;

(d) for requiring the payment to the Board in connection with air service licences or applications relating thereto of such fees determined in such manner as the regulations may provide.

(2) Without prejudice to the provisions of sub-clause (1), Central Government may by regulations make provision—

(a) as to the form and manner in which any application, objection or representation shall be made to the Board;

(b) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto;

(c) as to the liability of any of the persons heard by virtue of clause (b) of sub-section (1) at any meeting of the Board in

respect of costs or expenses incurred in connection with the hearing;

(*d*) with respect to the provision by holders of air service licences or air operator's certificate of statistical or other information with respect to their operations to which the licence or certificate relates;

(*e*) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted;

(*f*) with respect to surrender or cancellation or variation of air service licences;

(*g*) generally as to the procedure of the Board;

(*h*) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to its functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Central Government of travelling or other expenses reasonably incurred by any person as a member of any such committees.

(*3*) Any power to make regulations conferred by this Act shall include power to make different provision for different circumstances and to make such incidental or supplementary provision as appear to the Central Government necessary or expedient for giving effect to the purposes of this Act.

(*4*) Any power to make regulations conferred on the Central Government by this Act shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of Parliament.

Enforcement of licensing provisions.

8. (*1*) If an aircraft is used on any flight in contravention of sub-section (2) of section 3, the operator of the aircraft and if any other person, whether by negotiating a contract or otherwise made available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would be in contravention of provisions of sub-section (2) that other person also shall be guilty of an offence and be liable—

(a) on summary conviction to a fine exceeding ten thousand rupees, or to imprisonment for a term not exceeding three months, or to both.

(b) on conviction to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both.

(2) For the purpose of securing compliance with the requirements of section 3, the Central Government or anyone acting under its authority may require any person who, in India whether by providing an aircraft or negotiating a contract or otherwise, makes available or offers, facilities for travel or the consignment of goods upon any journey by air, and any servant or agent of any such person, and any person who is the holder of an aeroplane licence, to provide the Central Government with all such information or documents in his possession or control relating to the journey or proposed journey as may be specified.

Any person, who wilfully fails to comply with any requirements under this sub-section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding two thousand rupees.

(3) If the holder of any air service licence or air operator's certificate fails without reasonable cause to comply with any requirement of any regulation with respect to the provision of information made by virtue of clause (d) of sub-section (2) of section 7, he shall in respect of each such failure be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand rupees.

(4) If any person, in furnishing any information under this Act, furnishes any information which to his knowledge is false in any material particular or recklessly furnishes any information which is false in any material particular, he shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding one month or to both;

(b) on conviction to a fine not exceeding ten thousand rupees, or to imprisonment for a term not exceeding two years or to both.

(5) If any person fails without reasonable cause to comply with any requirements duly made of him under this Act to surrender an air service licence for cancellation or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five hundred rupees.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this sub-section, the expression, 'director' in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Any offence under this section shall, for the purpose of conferring jurisdiction, be deemed to have been committed at any place where the offender may for the time being be.

Expenses of and reports to Board.

9. (1) The Central Government shall provide the Board with such accommodation and equipment as appears to it to be necessary or expedient for the exercise of their functions and shall also provide from among its officers and servants such number of persons to act as officer or servants of the Board as he may from time to time think fit, and any expenditure incurred by the Board with the approval of the Central Government shall be defrayed by the Central Government.

(2) The Board shall furnish to the Central Government such accounts and other information relating to the discharge of its functions as the Central Government may require and after the end of the year make a report to the Central Government as to the exercise and performance of their functions under this Act in that year, which shall cover any particular matters on which the Central Government has requested them to report and the Central Government shall lay a copy of each such report before each House of Parliament.

Repeal of certain provisions of the Air Corporations Act, 1953.

10. The following provisions of the Air Corporations Act, 1953 (27 of 1953) are hereby repealed, that is to say—

(a) sections 18 and 19 and such sections which relate to the reservation of certain air services to the Air India International or the Indian Air Lines Corporation and their associates.

(b) sections 30 to 35.

Powers to extend provisions of Act.

11. (1) The Central Government may by order direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the order,—

(a) to any of the territories protected or administered areas of the Government of India; and

(b) to any such area or territory as may be deemed fit or expedient by the Government of India.

(2) An order of the Central Government by virtue of clause (a) of sub-section (1) may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section.

(3) Any order of Central Government made under this section may be varied or revoked by a subsequent order so made.

SCHEDULE

(*Vide* section 3)

THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Central Government who shall also appoint two of those members to be Chairman and Deputy Chairman respectively of the Board.

2. Subject to the provisions of this Schedule, the Chairman, the Deputy Chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing them.

3. **The Central Government—**

(a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowance as the Central Government may determine; and

(b) in the case of any member of the Board with respect to whom the Central Government may with the said approval determine, shall make such provisions for the payment of a pension to or in respect of that member as the Central Government may so determine;

and the Central Government shall as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board, and if any subsequent determination made by it under this paragraph involves any departure from the term of that statement or if a determination so made provides for the payment of a pension to or in respect of any member of the Board, the Central Government shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

4. If the Central Government is satisfied that the Chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, the Central Government

may appoint some other member of the Board to act for the time being in the place of the Chairman or Deputy Chairman, as the case may be.

5. If the Central Government is satisfied that a member of the Board—

(a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding six months; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) has by reason of illness or any other cause become unable or unfit to act as a member of the Board,

the Central Government may, by giving notice in such manner as it thinks fit, declare that person's office as a member of the Board to have become vacant.

6. No person who for the time being has any interest, whether as a shareholder or otherwise in the business of an operator of aircraft or of the holder of an aerodrome licence, shall act as a member of the Board unless he has declared his interest to the Board and to the Central Government and if the Central Government is satisfied that by reason of that interest or of any failure so to declare such an interest it is right and proper so to do, the Central Government may by giving notice in such manner as it thinks fit declare that person's office as a member of the Board to have become vacant.

7 The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by reason of any person irregularly acting as a member thereof

STATEMENT OF OBJECTS AND REASONS

The Air Corporations Act, 1953 (No. 27 of 1953) was passed closely following the Civil Aviation Act, 1949, as passed by Parliament in the U.K.

As a result of the Air India International and the Indian Airlines Corporation were formed absorbing certain air companies which were then operating in the country.

Certain non-scheduled air operators were, however, left out. Provision was made in the existing Act for scheduled operators who were nationalised to be granted non-scheduled permits to operate as non-scheduled operators, if they desired.

All flying clubs also have non-scheduled permits to operate light aircraft commercially for hire and reward.

In February, 1960, Parliament in the U.K. passed the Civil Aviation (Licensing) Bill to amend certain portions of their Act, and for the provision of both the Acts to be cited together as the Civil Aviation Acts, 1949 and 1960. Their reasons were briefly as follows:—

1. Give independent operators a field of operations.
2. Create a bigger Aviation Industry in these unsettled times and air age.
3. To provide home market for aircraft and parts produced by them.
4. Introduce a measure of healthy competition between the Corporations and the independent operators to improve air services and benefit the public as befitting a welfare State.
5. Create more avenues of employment for technical personnel and aircrews.
6. Create a second line of Air Defence by having ready at hand a well-trained group of technicians and pilots and aircraft, to form a reserve transport command immediately for any emergency.

In India, identical conditions have developed.

Hence this Bill.

NEW DELHI;
The 7th August, 1968.

DIWAN CHAND SHARMA.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 9 requires the Central Government to provide the Board with accommodation and staff. Any expenditure incurred by the Board with the approval of the Central Government, is to be defrayed by the latter.

THE SCHEDULE, which contains provisions with respect to the Board in paragraph 3 empowers the Central Government to pay to members of the Board such remuneration, allowances and pension as it may determine and to lay a statement in this regard before each House of Parliament.

It is expected that the fees payable in respect of licences will cover the cost of administration of the Act. No additional expenditure will thus be required to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 7 requires the Central Government to make regulations providing for the advertising of applications for licences, the making of objections and representations, the right of appeal to the Central Government against the decisions of the Board and the payment of fees for licences.

Sub-clause (2) of clause 7 empowers the Central Government to make regulations regarding the procedure of the Board and other related matters.

The delegation is of a normal character.

BILL No. 79 OF 1968

A Bill further to amend the Foreigners Act, 1946.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Foreigners (Amendment) Act, 1968. Short title.

31 of 1946. 2. To sub-section (*1*) of section 3 of the Foreigners Act, 1946, the following proviso shall be inserted, namely:— Amendment of section 3.

"Provided that the entry of foreigners into India shall be prohibited if the Central Government is satisfied that the foreigner seeking entry into India is likely to engage, overtly or covertly, in any proselytising activity."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India guarantees to all citizens the right "freely to profess, practise and propagate religion". This right, however, does not accrue to foreigners. Lately, there have been extremely disquieting reports from several States that the freedom presently available to foreign missionaries to carry on their proselytising work is being widely abused to promote disruptive and subvertive activities. National interests demand that this situation be effectively remedied. The Foreigners Act, 1946 which confers on the Central Government powers in respect of the entry of foreigners into India, is thus sought to be suitably amended.

NEW DELHI;
The 12th August, 1968.

JAGANNATHRAO JOSHI.

BILL NO. 83 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1968. Short Title and Commencement.

(*2*) It shall come into force at once.

2. In article 75 of the Constitution, in clause (*1*), for the words "The Prime Minister shall be appointed", the words "The Prime Minister, who shall be an elected member of the House of the People, shall be appointed" shall be substituted. Amendment of article 75.

Amendment of article 164.

3. In article 164 of the Constitution, in clause (*1*), for the words "The Chief Minister shall be appointed", the words "The Chief Minister, who shall be an elected member of the Legislative Assembly, shall be appointed" shall be substituted.

Amendment of article 326.

4. In article 326 of the Constitution, for the word "twenty-one", the word "eighteen" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

It is highly undemocratic that persons not directly elected by the suffrage of the people should head the popular Governments in the country. Therefore, the Prime Minister and Chief Ministers should always be elected Members of the Lower Houses.

Discontentment prevails among youth in the country that they are not entitled to vote in the elections to the House of the People and to the Legislative Assemblies of States before 21 years of age. Reduction in the age for adult suffrage from 21 years to 18 years will inculcate the spirit of discipline and responsibility among them.

Hence the Bill.

NEW DELHI;
The 14th August, 1968.

KAMESHWAR SINGH.

BILL NO. 98 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1968.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of First Schedule.

2 In the First Schedule to the Constitution,—

(*i*) under the heading "I. THE STATES", in the entry against "13. Uttar Pradesh", the words "excluding the districts of Meerut and Bulandshahr", shall be inserted at the end; and

(*ii*) under the heading "II. THE UNION TERRITORIES", in the entry against "1. Delhi", the words "and two districts of Uttar Pradesh, namely, Meerut and Bulandshahr", shall be inserted at the end

STATEMENT OF OBJECTS AND REASONS

Delhi being the capital of India requires more land for its fast growing population. It has crossed its boundaries long ago. Adjoining two districts of Meerut and Bulandshahr of U.P. are already included in the Master Plan of Delhi. But the development of these said districts is hampered because of not being in Delhi territory. To a question in Parliament the Government has openly declared that they are unable to allot any funds for the development of the planning of these districts because they lie in U.P. Hence for the smooth implementation of Master Plan for Delhi it is necessary to include the districts of Meerut and Bulandshahr in the Union territory of Delhi.

NEW DELHI; MAHARAJ SINGH BHARTI.

The 21st August, 1968.

BILL NO. 91 OF 1968

A Bill to provide for the compulsory publication of annual accounts by recognised political parties.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Publication of Political Party Accounts Act, 1968. Short title

and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'prescribed' means prescribed by rules made by the Central Government under this Act;

(b) 'recognised party' means any political party recognised as such by the Election Commission in exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961.

Annual publication of accounts.

3. (1) Every recognised political party shall keep a separate and correct account of all receipts and expenditure pertaining to party work, and cause to be published annually a statement of such accounts, by such date and in such manner as may be prescribed in this behalf.

(2) The account shall contain such particulars as may be prescribed.

Withdrawal of recognition for failure to publish accounts.

4. (1) If the Election Commission is satisfied that a political party—

(a) has failed to publish its accounts within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare withdrawal of the recognition conferred on it under sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961.

(2) An order issued under sub-section (1) shall remain in force for three years:

Provided that the Election Commission may, for reasons to be recorded, revoke such order earlier.

Power to make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately

following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The health of parliamentary democracy in India warrants that the accounts of political parties are annually published. The Constitution does not formally recognise the existence of political parties. But by rules framed by the Election Commission in exercise of its powers under the Representation of the People Act, 1951, political parties are granted recognition for certain electoral purposes.

This Bill seeks to provide for compulsory publication of accounts, and to link failure to do so with withdrawal of recognition.

NEW DELHI;
21*st August*, 1968.

SHRI CHAND GOYAL.